PART IV

Section 1-C.

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1167—Legis. 5-52-77, Bangalore, dated 8th October 1952.

Ordered the Notification No. S.R.O. 1509, dated the 2nd September 1952 of the Ministry of Labour, the Employees' Provident Funds Scheme, 1952, published in the *Gazette of India*, Part II, Section 3, dated the 2nd September 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LABOUR.

NOTIFICATION.

New Delhi, the 2nd September 1952.

S.R.O. 1509.—In exercise of the powers conferred by section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby frames the following Employees' Provident Funds Scheme, 1952, namely :—

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952.

CHAPTER I.

PRELIMINARY.

1. *Short title and application.*—(1) This Scheme may be called the Employees Provident Funds Scheme, 1952.

(2) This Chapter and Chapters II and III shall come into force at once and the remaining provisions shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different provisions.

2. *Definitions.*—In this Scheme, unless the context otherwise requires :—

(*a*) "Act" means the Employees' Provident Funds Act, 1952 (XIX of 1952) ;

(*b*) "Board" means a Board of Trustees constituted under this Scheme ;

(*c*) "Children" means legitimate children and includes adopted children if the Commissioner is satisfied that under the personal law of the member adoption of a child is legally recognised ;

(*d*) "Commissioner" means a Commissioner for Employees' Provident Fund appointed under this Scheme ;

(*e*) "Continuous service" means uninterrupted service and includes service which is interrupted by sickness, accident, authorised leave, strike which is not illegal, or cessation of work not due to the employee's fault ;

(*f*) "excluded employee" means—

(i) an employee who, having been a member of the Fund once, withdrew the full amount of his accumulations in the Fund on retirement after attaining the age of 55 years or on retirement due to total incapacity caused by bodily or mental infirmity ;

(ii) an employee whose basic wages at the time he is otherwise entitled to become a member of the Fund, exceed three hundred rupees per month ;

(iii) an employee employed by or through a contractor :

(iv) an apprentice ;

(v) an employee who by virtue of any notification issued under section 17 of the Act is exempted from the operation of this Scheme ; or

(vi) a person who has been employed in a factory to which this Scheme applies for not less than ten years and who by a declaration in writing has opted for the benefits to which he was entitled before the date of a notification issued under clause (*b*) of Section 17 of the Act.

(*g*) "family" means—

(i) in the case of a male member, the wife, children whether married or unmarried, and dependent parents of the member, and the widow and children of a deceased son of the member :

Provided that if a member proves that his wife has ceased, under the personal law governing him or the customary law of the community to which the spouses belong, to be entitled to maintenance she shall

no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently intimates by express notice in writing to the Commissioner that she shall continue to be so regarded ; and

(ii) in the case of a female member, the husband and children of the member, the dependent parents of the member or of the husband, and the widow and children of a deceased son of the member :

Provided that if a member by notice in writing to the Commissioner expresses her desire to exclude her husband from the family, the husband and his dependent parents shall no longer be deemed to be a part of the member's family for the purpose of this Scheme, unless the member subsequently cancels in writing any such notice.

Explanation.—In either of the above two cases, if the child of a member has been adopted by another person and if, under the personal law of the adopter, adoption is legally recognised such a child shall be considered as excluded from the family of the member ;

(*h*) " Financial year " means the year commencing on the first day of April ;

(*i*) " Government Security " shall have the meaning assigned to it in the Public Debts Act, 1944 (XVIII of 1944) ;

(*j*) " Inspector " means a person appointed as such under Section 13 of the Act ;

(*k*) " Quarter " means a period of three months commencing on the first day of January, the first day of April, the first day of July and the first day of October of each year ;

(*l*) " Trustee " means a member of a Board of Trustees ; and

(*m*) All other words and expressions shall have the meanings respectively assigned to them in the Act.

CHAPTER II.

Board of Trustees.

3. *Board of Trustees.*—(1) Subject to the provisions hereinafter contained, the Fund shall vest in and be administered by a Board of Trustees (hereinafter referred to as the ' Central Board ') consisting of the following persons, namely :—

(*a*) a Chairman nominated by the Central Government ;

(*b*) three persons nominated by the Central Government ;

(*c*) nominees of such State Governments as the Central Government may having regard to the jurisdiction of the Board, specify in this behalf ;

(*d*) six persons representing employers in the industries to which this scheme applies nominated by the Central Government in consultation with the representatives of such organisations of employers as may be recognised by the Central Government for the purpose ; and

(*e*) six persons representing employees in the industries to which this scheme applies nominated by the Central Government in consultation with such organisation of employees as may be recognised by the Central Government for the purpose.

(2) The Central Government may, in consultation with the State Government, constitute for any State a Board of Trustees (hereinafter referred to as the ' State Board ') consisting of the following persons, namely :—

(*a*) a Chairman nominated by the Central Government in consultation with the State Government ;

(*b*) two persons nominated by the Central Government ;

(*c*) two persons nominated by the State Government ;

(*d*) four persons representing employers in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employers in the State as may be recognised by the purpose by the Central Governmet ; and

(e) four persons representing employees in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government.

(3) Where a Board of Trustees is constituted for any State, the Central Board shall, as soon as may be, transfer to it, the amount standing to the credit of the Fund of all the employees in the State and such amount shall thereafter constitute a separate Provident Fund for that State which shall vest in and be administered by the State Board and to which shall, in future, be credited all the amounts received in accordance with the provisions of this Scheme in respect of the employees in that State.

4. *Regional Committee*.—(1) Until such time as a State Board is constituted for a State, the Central Government may set up a Regional Committee for the State, which will function under the control of the Central Board. The Regional Committee shall consist of the following persons, namely :—

(a) a Chairman nominated by the Central Government ;
(b) two persons nominated by the Central Government on the recommendation of the State Government ;
(c) three persons representing employers in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employers in the State as may be recognised for the purpose by the Central Government ; and
(d) three persons representing employees in the industries to which this scheme applies in the State nominated by the Central Government in consultation with such organisations of employees in the State as may be recognised for the purpose by the Central Government.

(2) A Regional Committee shall advise the Central Board on such matters as the Central Board may refer to it.

(3) As soon as a State Board is constituted for any State, the Regional Committee constituted for the State under this paragraph shall stand dissolved.

5. *Terms of office*.—(1) The Chairman of the Central and a State Board and that of a Regional Committee, and every Trustee of the Central and a State Board referred to in clauses (b) and (c) of sub-paragraphs (1) and (2), respectively, of paragraph 3 and every member of a Regional Committee shall hold office during the pleasure of the Central Government :

Provided that where the Central Government directs that a trustee nominated by a State Government shall cease to hold office, the State Government shall be consulted.

(2) The term of office of the trustees of the Central Board and a State Board referred to in clauses (d) and (e) of sub-paragraphs (1) and (2), respectively, of paragraph 3 shall be five years commencing from the date on which their nomination is notified in the Official Gazette :

Provided that any such trustee shall, notwithstanding the expiry of the said period of five years, continue to hold office until the nomination of his successor is notified in the Official Gazette.

(3) Any trustee referred to in sub-paragraph (2) nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the trustee in whose place he is nominated.

(4) An out-going trustee shall be eligible for re-nomination.

6. *Resignation*.—A trustee of the Central Board and a member of Regional Committee may resign his office by letter in writing addressed to the Central Government and his office shall fall vacant from the date on which his resignation is accepted by the Central Government.

(2) A trustee of a State Board may resign his office by letter in writing addressed to the State Government and his office shall fall vacant from the date on which his resignation is accepted by the State Government.

7. *Cessation and restoration of Trusteeship.*—If a trustee or a member of a Regional Committee fails to attend three consecutive meetings of the Board or Committee, as the case may be, without obtaining leave of absence from the Chairman of the Board or Committee, he shall cease to be a trustee or member of the Committee :

Provided that the Central Government in the case of the Central Board and any Regional Committee and the State Government in the case of a State Board may restore him to trusteeship or membership of the Regional Committee, as the case may be, if it is satisfied that there were reasonable grounds for the absence.

8. *Disqualifications for trusteeship or membership of Regional Committee.*—(1) A person shall be disqualified for being nominated as, or for being a trustee or member of a Regional Committee :—

(i) if he is declared to be of unsound mind by a competent court ; or

(ii) if he is an undischarged insolvent ; or

(iii) if before or after the commencement of the Act he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether any person is disqualified under sub-paragraph (1), it shall be referred—

(*a*) to the Central Government if the disqualification relates to a membership of the Central Board or a Regional Committee ;

(*b*) to the State Government if the disqualification relates to membership of a State Board :

and the decision of the Central Government, or as the case may be, of the State Government on any such question shall be final.

9. *Removal from Trusteeship or membership of a Regional Committee.*—The Central Government may remove from office any trustee of the Central Board or member of a Regional Committee and the State Government may remove from office any trustee of a State Board if in its opinion such trustee or member of a Committee has ceased to represent the interest which he purports to represent on the Board or Committee, as the case may be :

Provided that no such trustee or member shall be removed unless a reasonable opportunity is given to such trustee or member and the body whom he represents, of making any representation against the proposed action.

10. *Absence from India.*—(1) Before a non-official trustee or a member of a Regional Committee leaves India :—

(*a*) he shall intimate to the Chairman of the Board or of the Committee, as the case may be, of the dates of his departure from and expected return to India, or

(*b*) if he intends to absent himself for a period longer than six months, he shall tender his resignation.

(2) If any trustee or a member of a Regional Committee leaves India for a period of six months or more without intimation to the Chairman of the Board or of the Regional Committee, as the case may be, he shall be deemed to have resigned from the Board or the Committee.

11. *Meetings.*—(1) A Board of Trustees or a Regional Committee shall, subject to the provisions of paragraph 12, meet at such place and time as may be appointed by the Chairman.

(2) The Chairman, may whenever he thinks fit, and shall within fifteen days of the receipt of a requisition in writing from not less than one-third of the members in the case of the Board and not less than three members excluding the Chairman in the case of a Committee, call a meeting thereof.

12. *Notice of meeting and list of business.*—Notice of not less than 15 days from the date of posting, containing the date, time and place of every ordinary meeting together with a list of business to be conducted at the meeting, shall be despatched by registered post or by special messenger to each Trustee or a member of the Regional Committee, as the case may be, present in India :

Provided that when the Chairman calls a meeting for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary, shall be deemed sufficient.

13. *Chairman to preside at meetings.*—The Chairman of a Board or a Regional Committee shall preside at every meeting of the Board or the Regional Committee, as the case may be, at which he is present. If the Chairman is absent at any time, the trustees or members present shall elect one of their members to preside over the meeting and the trustee or member so elected shall exercise all the powers of the Chairman at the meeting.

14. *Quorum.*—(1) No business shall be transacted at a meeting of a Board or a Regional Committee unless at least four trustees or members of the Regional Committee are present, of whom :—

(*a*) in the case of the Central Board, at least one shall be from among those nominated under clause (*d*) and at least one from among those nominated under clause (*e*) of sub-paragraph (1) of paragraph ;

(*b*) in the case of a State Board, at least one shall be from among those nominated under clause (*d*) and at least one from among those nominated under clause (*e*) of sub-paragraph (2) of paragraph 3 ; and

(*c*) in the case of a Regional Committee, at least one shall be from among those nominated under clause (*c*) and at least one from among those nominated under clause (*d*) of sub-paragraph (1) of paragraph 4.

(2) If at any meeting the number of trustees or members of a Regional Committee is less than the required quorum, the Chairman shall adjourn the meeting to a date not later than seven days from the date of the original meeting informing the trustees or members of the Regional Committee, as the case may be, of the date, time and place of the adjourned meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of trustees or members of the Regional Committee present.

15. *Disposal of Business.*—Every question considered at a meeting of a Board or a Regional Committee shall be decided by a majority of the votes of the trustees or members of the Regional Committee present and voting. In the event of an equality of votes the Chairman shall exercise a casting vote :

Provided that the Chairman may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to trustees or members of a Regional Committee present in India and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of trustees or members received within the time limit allowed and if the opinions are equally divided, the opinion of the Chairman shall prevail ;

Provided further that any trustee or member of a Regional Committee may request that the question referred to trustees or members of a Regional Committee, as the case may be, for written opinion be considered at a meeting of the Board or a Regional Committee and thereupon the Chairman may, and if the request is made by not less than three trustees or members of a Regional Committee, shall direct that it be so considered.

16. *Minutes of meetings.*—(1) The minutes of a meeting of a Board or a Regional Committee showing *inter alia* the names of the trustees or members of the Regional Committee present thereat shall be circulated to all trustees or members of the Regional Committee present in India not later than one month from the date of the meeting. The minutes shall thereafter be recorded in a minute book as a permanent record :

Provided that if another meeting is held within a period of one month and ten days, the minutes shall be circulated so as to reach the trustees or members at least ten days before such meeting.

(2) The records of the minutes of each meeting shall be signed by the Chairman after confirmation with such modifications, if any, as may be considered necessary at the next meeting.

17. *Acts of a Board or a Regional Committee not invalid by reason of defect in its constitution, etc.*—No act or proceeding of a Board or a Regional Committee shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of the Board or the Regional Committee as the case may be.

18. *Fees and allowances.*—(1) The travelling allowance of an official trustee or official member of a Regional Committee shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.

(2) Every non-official trustee or non-official member of a Regional Committee shall be paid a daily allowance at the maximum rate admissible to the officers of the first grade in the service of the Central or the State Government, as the case may be, for each day on which he attends a meeting of the Board or a Regional Committee, as the case may be, and travelling allowance at 1½ railway fares of the highest class from and to his usual place of business or from and to the place the journey is actually performed whichever is less, plus road mileage at annas eight per mile for the journey not covered by railway.

Explanation.—(1) No daily or travelling allowance in respect of any day or journey, as the case may be, shall be claimed under this paragraph by a trustee or member of a Regional Committee if he has drawn or will draw allowance for the same from his employer or as a member of any Legislature or of any Committee or Conference constituted or convened by Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expense of Government or his employer.

Explanation.—(II) Where the journey is performed by road between places connected by railway, road milege shall be paid only if the trustee or member of the Regional Committee certifies that the journey was undertaken by road to avoid loss of time which the journey by railway would have entailed and the distance travelled does not exceed 75 miles in a single journey.

CHAPTER III.

APPOINTMENT AND POWERS OF COMMISSIONER AND OTHER STAFF OF BOARD OF TRUSTEES.

19. *Provident Fund Commissioners.*—(1) The Central Government shall appoint a Commissioner who shall be the Chief Executive Officer of the Central Board and shall be subject to its general control and superintendence.

(2) When a State Board is constituted, the State Government shall appoint a Commissioner who shall be the Chief Executive Officer of the State Board shall be subject to its general control and superintendence.

(3) A Commissioner shall not undertake any work unconnected with his office without the previous sanction of the Central Government or the State Government, as the case may be.

(4) A Commissioner appointed under this paragraph may at any time for reasons to be recorded in writing and after he is given an opportunity of being heard, be removed by the Central Government or the State Government, as the case may be.

(5) A Commissioner shall receive such salary and allowances and shall be subject to such conditions of service as may be specified in this behalf from time to time by the Central Government or the State Government, as the case may be.

(6) A Commissioner while attending the meetings of a Board may take part in its deliberations but shall not be entitled to vote.

20. *Regional Commissioner.*—Untill the appointment of a State Commissioner, the Central Government may appoint a Regional Commissioner for any State to work under the general control and superintendence of the Central Commissioner.

21. *Opening of regional and other offices.*—A Board may, with the approval of the Government concerned, employ such staff and open such regional and local offices within the area of its jurisdiction as it may consider desirable for the proper implementation of the Scheme. It may also define the functions and duties of the regional and local offices.

22. *Secretary of a Board or a Regional Committee.*—(1) The Central Government shall appoint a Secretary to the Central Board and a Secretary to a Regional Committee and the State Government shall appoint a Secretary to the State Board if and when it is constituted.

(2) The Secretary to a Board or a Regional Committee, shall, in consultation with the Chairman, convene meetings of the Board or Regional Committee, as the case may be, keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Board or the Regional Committee as the case may be.

23. *Staff.*—(1) The Central Commissioner and a State Commissioner may employ such staff as the Chairman of the Central Board or a State Board, as the the case may be, may consider necessary for the efficient administration of the Scheme :

Provided that the sanction of the Government concerned shall be obtained for the creation of a post with a maximum salary of Rs. 500 or above if the duration of the post is likely to exceed six months :

Provided further that the appointment to a post carrying an initial monthly salary of Rs. 275 or above shall be made by the Government concerned in consultation with the Union Public Service Commission or the State Public Service Commission, as the case may be :

Provided further that references relating to all appointments made under this sub-paragraph shall be placed before the next meeting of the Central or State Board or the Regional Committee, as the case may be, for information.

(2) Subject to the provisions of this paragraph regulations regarding the method of recruitment, salary and allowances, discipline and other conditions of service of the members of the staff shall be laid down by the Central Board or the State Board, as the case may be, with the approval of the Government concerned :

Provided that the scale of pay and allowances of the members of the staff shall generally be in accordance with the scales sanctioned by the Government concerned for similar posts under its control.

24. *Power of Commissioner to sanction expenditure.*—A Commissioner may, without reference to the Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Fund subject to financial provision in the budget and subject to the condition that the expenditure on any single item does not exceed Rs. 200.

25. *Powers of the Central Government until the Central Board is constituted.*—Until the Central Board is constituted, the Cental Government shall administer the Fund and may exercise any of the powers and discharge any of the functions of the Board :

Provided that on the constitution of the Central Board, the Central Government shall transfer amounts standing to the credit of the Fund to the Central Board.

CHAPTER IV

EMPLOYEES REQUIRED TO JOIN THE PROVIDENT FUND.

26. *Class of employees required to join the Fund.*—(1) Every employee, employed in a factory to which this Scheme applies, other than an excluded employee, shall be required to become a member of the Fund from the date on which the Scheme comes into force if he has on that date completed one year's

continuous service in the factory concerned. Every employee, other than an excluded employee, taking up employment, whether before or after the commencement of the Scheme, in a factory to which this Scheme applies, shall also become a member from the beginning of the month following that in which he completes one year's continuous service in the factory :

Provided that an employee who is a member of the Fund shall not cease to be a member thereof on his leaving a factory to which the Scheme applies except as provided in paragraph 27.

(2) An employee whose monthly basic wages exceed three hundred rupees after he has become a member of the Fund shall be required to continue his membership. His contribution will, however, be restricted to the maximum of one anna in the rupee on three hundred rupees and the dearness allowance admissible on this amount. This contribution shall continue to be payable by him and in respect of him by the employer.

27. *Election for continuance of membership of certain other Provident Funds.*— Notwithstanding, anything to the contrary contained in paragraph 26, a subscriber, other than an excluded employee, to a Provident Fund recognised under the Indian Income Tax Act, 1922 (XI of 1922), or to which the Provident Fund Act, 1925 (XIX of 1925), applies, shall become a member of the Fund unless he elects, by an application in Form 1 sent to the Commissioner within three months of the date on which this Scheme comes into force, to continue to subscribe to such Provident Fund and in that case he shall not be required, or be entitled, to become a member of the Fund :

Provided that the above option to continue to subscribe to an existing Provident Fund shall be allowed to an employee in a factory only if its Provident Fund Rules with respect to contributions are in conformity with, or are more favourable to employees than those specified in the Act or the Scheme.

Explanation.—In this paragraph, ' existing Provident Fund ' includes a Provident Fund established in pursuance of an award under the Industrial Disputes Act, 1947, or a collective agreement between workers and employers.

28. *Transfer of accumulations from existing Provident Funds.*—(1) Every authority in charge of, or entrusted with the management of, any Provident Fund in existence on the 15th day of November, 1951, the accumulations wherein are to be transferred to the Fund under sub-section (2) of section 15 of the Act, shall, before the 1st day of January, 1953, or such later date as the Board may fix in this behalf—

(i) send to the appropriate Commissioner a statement showing the amount standing to the credit of each subscriber on the date of the transfer, the total accumulations to the credit of subscribers generally on that date and the advances, if any, taken by the subscribers.

(ii) transfer to the Fund in the manner specified in sub-paragraph (2) the total accumulations standing to the credit of the subscribers in relation to each factory, and

(iii) transfer to the Board all pass-books, books of account and other documents relating to the said accumulations.

(2) All accumulations standing to the credit of the subscribers, howsoever invested, shall be transferred to the Fund by the authority aforesaid in cash :

Provided that where the whole or any part of such accumulations consists of investments in Government securities it shall be open to the authority making the transfer to have the Government securities transferred as such to the Board at their face value or to transfer to the Board a sum equivalent to the face value of the securities.

(3) Any cash transferred under sub-paragraph (2) shall be deposited in any office or branch of the Reserve Bank of India or the Imperial Bank of India to the credit of the Board, and the receipt obtained in respect thereof shall be forwarded to the appropriate Commissioner :

Provided that where there is no office or branch of either of the Banks at the place where the factory is situated the amount shall be credited to the Board by means of a Reserve Bank of India Remittance Transfer Receipt.

(4) The accumulations transferred to the Fund in accordance with this paragraph shall be credited to the account of each of the members of the Fund, to the extent to which he may be entitled thereto having regard to the statement furnished by the authority aforesaid.

(5) When the accumulations in any such Provident Fund as is referred to in sub-paragraph (1) have been so transferred to the Fund, the appropriate Commissioner may, by notification in the Gazette of India, declare that the subscribers of such Provident Fund have now become members of the Fund and that the accumulations aforesaid have now become vested in the Board.

CHAPTER V

CONTRIBUTIONS.

29. *Contributions.*—(1) The contributions payable by the employer under the Scheme shall be at the rate of one annas in the rupee of the basic wages and the dearness allowance payable to each employee to whom the Scheme applies.

(2) The contribution payable by the employee under the Scheme shall be equal to the contribution payable by the employer in respect of such employee.

(3) The contributions shall be calculated on the basis of wages and dearness allowance actually drawn during the whole month whether paid on daily, weekly, fortnightly or monthly basis.

(4) Each contribution shall be calculated to the nearest quarter of a rupee, two annas or more to be counted as the next higher quarter of a rupee.

30. *Payment of contributions.*—The employer shall, in the first instance pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him, the contribution payable by the member (in this Scheme referred to as the member's contribution).

31. *Employer's share not to be deducted from the members.*—Notwithstanding any contract to the contrary the employer shall not be entitled to deduct the employer's contribution from the wage of a member or otherwise to recover it from him.

32. *Recovery of a member's share of contribution.*—(1) The amount of a member's contribution paid by the employer shall, notwithstanding the provisions in this Scheme or any law for the time being in force or any contract to the contrary be recoverable by means of deduction from the wages of the member and not otherwise :

Provided that no such deduction may be made from any wage other than that which is paid in respect of the period or part of the period in respect of which the contribution is payable :

Provided further that the employer shall be entitled to recover the employee's share from a wage other than that which is paid in respect of the period for which the contribution has been paid or is payable where the employee has in writing given a false declaration at the time of joining service with the said employer that he was not already a member of the Fund :

Provided further that where no such deduction has been made on account of an accidental mistake or a clerical error, such deduction may, with the consent in writing of the Inspector, be made from the previous wages.

(2) Deduction made from the wages of a member paid on daily, weekly or fortnightly basis should be totalled up to indicate the monthly deductions.

(3) Any sum deducted by an employer from the wage of an employee under this Scheme shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

CHAPTER VI.

Declaration, Contribution Cards and Returns.

33. *Declaration by persons already employed at the time of institution of the Fund.*—Every person who is required or entitled to become a member of the Fund shall be asked forthwith by his employer to furnish and shall, on such demand, furnish to him, for communication to the Commissioner, particulars concerning himself and his nominee required for the declaration form in Form 2. Such employer shall enter the particulars in the declaration form and obtain the signature or thumb impression of the person concerned.

34. *Declaration by persons taking up employment after the Fund has been established.*—The employer in relation to a factory shall, before taking any person into employment, ask him to state in writing whether or not he is a member of the Fund and if he is, ask for the Account Number and/or the name and particulars of the last employer. If he is unable to furnish the Account Number, he shall, require such person to furnish and such person shall, on demand, furnish to him for communication to the Commissioner, particulars regarding himself and his nominee required for the Declaration Form. Such employer shall enter the particulars in the Declaration Form and obtain the signature or thumb impression of the person concerned.

35. *Preparation of Cantribution Cards:*—The employer shall prepare a contribution card in Form 3 or 4, as may be appropriate, in respect of every employee in his employment at the commencement of the Scheme or who is taken into employment after that date and who is required or entitled to become or is a member of the fund including those who produce an Account Number and in respect of whom no fresh Declaration Form is prepared.

36. *Duties of Employers.*—(1) Every employer shall send to the Commissioner, within fifteen days of the commencement of this Scheme, a consolidated return in such form as the Commissioner may specify, in duplicate, of the employees required or entitled to become members of the Fund showing the basic wage and dearness allowance including the cash value of any food concession paid to each of such employees.

(2) Every employer shall send to the Commissioner within fifteen days of the close of each month a return—

(*a*) in duplicate, in Form 5, of the employees qualifying to become members of the Fund for the first time during the preceding month together with the declarations in Form 2 furnished by such qualifying employees and with a statement showing the basic wages and dearness allowance including the cash value of any food concession of each such employee, and

(*b*) in duplicate, in such form as the Commissioner may specify, of the employees leaving service of the employer during the preceding month.

(3) Every employer shall send to the Commissioner within fifteen days of the commencement of every half year, beginning from 1st April and 1st October, a consolidated return in duplicate to replace the one furnished under sub-paragraph (1) above.

(4) Every employer shall maintain such accounts in relation to the amounts contributed to the Fund by him and by his employees as the Board may, from time to time, direct, and it shall be the duty of every employer to assist the Board in making such payments from the Fund to his employees as are sanctioned by or under the authority of the Board.

(5) Notwithstanding anything hereinbefore contained in this paragraph, the Board may issue such directions to employers generally as it may consider necessary or proper for the purpose of implementing the Scheme, and it shall be the duty of every employer to carry out such directions.

37. *Allotment of Account Numbers.*—On receipt of the information referred to in paragraphs 33, 34 and 36, the Commissioner shall promptly allot an Account Number to each employee qualifying to become a member and shall communicate the Account Number to the member through the employer.

38. *Mode of payment of contributions.*—(1) The employer shall, before paying the member his wages in respect of any period or part of period for which contributions are payable, deduct the employee's contribution from his wages which together with his own contribution as well as an administrative charge of such percentage of the total employer's and employees' contributions as may be fixed by the Central Government, he shall within fifteen days of the close of every month pay to the Fund by separate Bank drafts or cheques on account of contributions and administrative charge :

Provided that if payment is made by a cheque on an outstation bank, collection charges in respect of both the contributions and the administrative charge at such rate as the Board may determine in this behalf shall be included in the amount for which the cheque is drawn in respect of the administrative charge :

Provided further that where there is no branch of the Reserve Bank or the Imperial Bank of India at the station where the factory is situated, the employer shall pay to the Fund the amount mentioned above by means of Reserve Bank of India Remittance Transfer Receipts separately on account of contributions and administrative charge.

(2) The employer shall forward to the Commissioner, within fifteen days of the close of the month, a monthly consolidated statement, in such form as the Commissioner may specify, showing recoveries made from the wages of each employee and the amount contributed by the employer in respect of each such employee.

39. *Fixation of administrative charges.*—The Central Government may, in consultation with the Central Board and having regard to the resources of the Fund available for meeting its normal administrative expenses, fix the percentage of administrative charges payable under sub-paragraph (1) of paragraph 38 above.

40. *Contributions to be entered in the contribution card.*—The amount recovered every month from the wages of an employee as well as the contribution made by the employer in respect of each such employee shall be entered by the employer every month in the contribution card opened in the name of each member under this Scheme.

41. *Currency of contribution cards.*—The contribution cards issued under this Scheme shall be current for one year :

Provided that the said period of one year may commence and terminate at such different times in different factories as may be decided by the Commissioner from time to time :

Provided further that the cards issued in respect of the first contribution period may be for a period which may be less or more than a year.

42. *Renewal of contribution cards.*—An employer shall, on or before the expiration of the period of currency of the contribution card, prepare in respect of each member employed by him a card in Form 3 or 4 as may be appropriate, for the next period of currency.

43. *Submission of contribution cards to the Commissioner.*—Every employer shall within one month from the date of expiration of the period of currency of the contribution cards in respect of members employed by him, send the contribution cards to the Commissioner together with a statement in Form 6.

44. *Custody of contribution cards.*—The employer shall retain in his custody the contribution cards in respect of each member employed by him and shall take every precaution against loss or damage of the contribution cards.

45. *Inspection of cards by members.*—Any member making a request in this behalf to the employer shall be permitted to inspect his cards himself or to have

the same inspected by any person duly authorised by him in writing to do so, within 72 hours of making such request provided that no such request shall be entertained more than once in every two calendar months.

46. *Production of cards and records for inspection by the Commissioner or Inspector.*—Every employer shall, whenever the Commissioner or any other officer authorised by him in this behalf or an Inspector so requests, either in person or by notice in writing, produce before the Commissioner, Officer, or Inspector, as the case may be, the records of any member employed by him and any card then in his possession, and if so required, by the said Commissioner, Officer or Inspector shall deliver such record to the said Commissioner, Officer or Inspector, who may, if he thinks fit, retain the record provided that he shall grant a receipt for every record retained by him.

47. *Supply of cards and forms to employers.*—The Commissioner shall supply to employers, free of charge on demand contribution cards, declaration Forms and other forms referred to in this Scheme :

Provided that if any employer desires to obtain any cards or forms in excess of the number with the Commissioner considers to be the requirements of the employer, the Commissioner may, if he thinks fit, supply such extra cards or forms and make such charge therefor as he considers reasonable.

48. *Current Account.*—The Commissioner shall deposit the Bank drafts or cheques received from the employers in the Reserve Bank or the Imperial Bank of India in the Current Account of the Fund.

CHAPTER VII.

Administration of the Fund, Accounts, and Audit

49. *Administration Accounts.*—(1) A separate account shall be kept called the "Central Administration Account" for recording all administrative expenses of the Fund including such administrative charges as the Fund may be authorised to levy.

(2) A State Board when constituted shall meet the expenses referred to in paragraph 54 (2) (*b*) and after keeping such reserve as the Central Government may specify, shall remit the balance to the Central Board for meeting its expenditure. The balance so remitted shall be credited to the " Central Administration Account ".

50. *Provident Fund Account.*—The aggregate amount received as the employers' and the employees' contributions to the Fund shall be credited to an account to be called the " Provident Fund Account ".

51. *Interest Suspense Account.*—All interest, rent, and other income realised, and net profits or losses, if any, from the sale of investments not including therein the transactions of the Administration Account, shall be credited or debited, as the case may be, to an account called the " Interest Suspense Account". Brokerage and commission on the purchase and sale of securities and other investments shall be included in the purchase or sale price, as the case may be, and not separately charged to the " Interest Suspense Account ".

52. *Investment of monies belonging to Employees' Provident Fund.*—(1) All monies belonging to the Fund shall be deposited in the Reserve Bank or the Imperial Bank of India or in such other scheduled Banks as may be approved by the Central Government from time to time or shall be invested, subject to such directions as the Central Government may from time to time give, in the securities mentioned or referred to in clauses (*a*) to (*d*) of Section 20 of the Indian Trusts Act, 1882 (II of 1882), provided that such securities are payable both in respect of capital and in respect of interest in India.

(2) All expenses incurred in respect of, and loss, if any, arising from, any investment shall be charged to the Fund.

(3) The Commissioner shall prepare, in Form '7' a classified summary of the Assets of the Fund as on the 31st March in each year, or on such other date as the Central Government may specify and shall append it to the annual report submitted under paragraph 74 to the Government concerned and also to the Central Government where it is not the Government concerned.

53. *Disposal of the Fund.*—(1) Subject to the provisions of the Act and of this Scheme, the Fund shall not, except with the previous sanction of the Central Government, be expended for any purpose other than for the payment of sums standing to the credit of individual members of the Fund or to their nominees or heirs or legal representatives in accordance with the provisions of this Scheme.

(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by the Board concerned.

54. *Expenses of Administration.*—(1) Until State Boards are constitued all expenses relating to the administration of the Fund including those incurred on Regional Committees shall be met from the Fund.

(2) When State Boards are constituted, the following provisions shall apply, namely :—

(*a*) Subject to the provisions of the Act and of this Scheme, all expenses of administration of the Central Fund including the fees and allowances, of the trustees of the Central Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident fund and other benefit funds instituted for the officers and servants of the Central Board, the cost of audit of the accounts, legal expenses and cost of all stationery and forms incurred in respect of the Central Board and expenses in respect of the Central Commissioner shall be met from the Central Administration Account of the Fund.

(*b*) All expenses of administration of the State Fund including the fees and allowances of the trustees of the State Board and salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident and other benefit funds in respect of the officers and servants of the State Board, the cost of audit of accounts, legal expenses and cost of all stationery and forms shall be met from the State Administration Account.

(3) The expenses incurred by the Central Government in connection with the establishment of tho Fund shall be treated as a loan and such loan shall be repaid from the Central Administration Account.

55. *Forms of Accounts.*—The Accounts of the Fund including "the Administration Account" shall be maintained by the Commissioner in such form and manner as may be specified by the appropriate Board with the approval of the Government concerned.

56. *Audit.*—(1) The accounts of the Fund, including the Administration Account shall be audited in accordance with the instructions issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The charges on account of audit shall be paid out of the Administration Account.

57. *Inter-State transfer of members.*—Where a member of the Fund ceases to reside in any State and settles in another State, he may apply to the Commissioner of the State Fund within whose jurisdiction he was originally residing in such form as the Commissioner may specify for a transfer of his account to the State Fund in which he takes up residence.

58. *Budget.*—(1) The Commissioner shall place before the appropriate Board each year in the first fortnight of January, a budget showing separately the probable receipts from the contributions and from the levy of administrative charges and the expenditure which it proposes to incur during the following financial year. The budget as approved by the Board shall be submitted for sanction to the Government concerned within a month of its being placed before the Board.

(2) The Government concerned may make such modifications in the budget as it considers desirable before sanctioning it.

59. *Members' Accounts.*—(1) An account shall be opened in the office of the Fund in the name of each member in which shall be credited :—

(*a*) his contributions,

(*b*) the contributions made by the employer in respect of him, and

(*c*) interest as provided in paragraph 60.

(2) *All* items of account shall be calculated to the nearest quarter of a rupee—two annas or more to be counted as the next higher quarter of a rupee and fractions of a rupee less than two annas to be ignored.

(3) On receipt of the contribution card or cards of a member from his employer or employers at the end of the period of currency of the contribution card, the Commissioner shall compare the entries made in the contribution card or cards with those made in the member's individual account in the office of the Fund and shall rectify any discrepancy found in these entries.

60. *Interest.*—(1) The Commissioner shall credit to the account of each member interest at such rate as may be determined by the Central Government in consultation with the Central Board.

(2) Interest for the period of currency of the card shall be credited with effect from the last day of the period on the opening balance at the credit of the member on the first day thereof :

Provided that, when the amount standing to the credit of the member becomes payable, interest shall thereupon be credited under this sub-paragraph only for the period from the beginning of the current period up to the end of the month preceding the date of tender of payment or up to the end of the sixth month after the month in which the amount has become payable, whichever is earlier :

Provided further that the rate of interest to be allowed on claims for refund for the broken currency period shall be the rate fixed for the financial year in which the refund becomes payable.

(3) The aggregate amount of interest credited to the accounts of the members shall be debited to " Interest Suspense Account ".

(4) In determining the rate of interest, the Central Government shall satisfy itself that there is no overdrawal on the Interest Suspense Account as a result of the debit thereto of the interest credited to the accounts of members.

CHAPTER VIII.

Nominations, Payments and Withdrawals from the Fund.

61. *Nomination.*—(1) Each member shall make in his declaration in Form 2, a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made.

(2) A member may in his nomination distribute the amount that may stand to his credit in the Fund amongst his nominees at his own discretion.

(3) If a member has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such member in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub-paragraph (1) may at any time be modified by a member after giving a written notice of his intention of doing so in Form 8 annexed hereto. If the nominee predeceases the member, the interest of the nominee shall revert to the member who may make a fresh nomination in respect of such interest.

(6) A nomination or its modification shall take effect to the extent that it is valid on the date on which it is received by the Commissioner.

62. *Withdrawals from the Fund for payment towards Insurance Policies.*—Any amount with interest thereon standing to the credit of a member in the account of the fund may be withdrawn not more than once in every six months to make a payment towards a policy of life insurance :

Provided that the withdrawal shall not be permitted before the details of the proposed policy have been submitted to the Commissioner in such form as he may specify and accepted by him as suitable. Nor shall the withdrawal be permitted in excess of the amount required to pay a premium or subscription actually due for payment within six months of the date of withdrawal :

Provided further that no amount may be withdrawn to make any payment in respect of, or for the purpose of purchasing, an educational endowment policy if that policy is due for payment in whole or part before the member attains the age of 55 years :

Provided further that the amount withdrawn shall not exceed the total contributions of the member up to the date of withdrawal.

63. *Commissioner to be satisfied regarding the utilisation of amounts withdrawn.*—(1) A member desiring to withdraw any amount under paragraph 62 shall—

(*a*) intimate the reason for the withdrawal to the Commissioner ;

(*b*) make arrangements with the Commissioner for the withdrawal ;

(*c*) send to the Commissioner, within such period as he may require, a receipt in order to satisfy him that the amount withdrawn was duly applied for the specified purpose.

(2) The Commissioner shall order the recovery of any amount withdrawn, in respect of which he is not satisfied that the amount withdrawn was actually spent for the specified purpose, with interest thereon at the rate provided in para 60 from the emoluments of the member and credit it to his account in the Fund.

64. *Assignment of Policies to the Fund.*—(1) The policy, within six months after the first withdrawal in respect of it, shall be assigned to the appropriate Board as security for the payment of the amount withdrawn and shall be delivered to the Commissioner.

(2) The Commissioner shall, before allowing withdrawal in respect of old policies, satisfy himself by reference to the Insurance Company that no prior assignment of the policy exists and the policy is free from all encumbrances.

(3) The terms of the policy shall not be altered nor shall the policy be exchanged for another policy without the prior consent of the Commissioner to whom the details of the alteration or of the new policy shall be furnished in such form as he may specify.

(4) If the policy is not assigned and delivered, any amount withdrawn from the Fund in respect of the policy shall, with interest thereon at the rate provided in paragraph 60, forthwith be repaid by the member to the Fund, or in default be ordered by the Commissioner to be recovered by deduction from the emoluments of the member in such instalments as he may determine.

(5) A policy to be acceptable under this paragraph shall be effected by the member on his own life and shall be such as may be legally assigned by the member to the appropriate Board.

65. *Bonus to be adjusted against the withdrawal.*—A member shall not during the currency of the policy draw any bonus the drawal of which during such currency is optional under the terms of the policy, and the amount of any bonus which under the terms of the policy the member has no option to refrain from drawing during its currency shall be paid by him forthwith into the Fund to be adjusted against the amount withdrawn, or in default be recovered by deduction from his emoluments by such instalments as the Commissioner may determine.

66. *Re-assignment of Policies.*—(1) When the member—

(*a*) permanently retires from service in the industry to which this scheme applies after the attainment of the age of superannuation ; or

(*b*) retires on account of permanent and total incapacity for work in any industry to which this scheme applies due to bodily or mental infirmity as provided in sub-para (1) (*b*) of para 69 ; or

(*c*) is permitted by the Board or where so authorised, by the Board, the Commissioner under sub-para (2) of para 69 to withdraw the amount standing to his credit in the Fund ; or

(*d*) repays to the Fund the whole of any amount withdrawn from the Fund for any of the purposes mentioned in paragraph 62 with interest thereon at the rate provided in paragraph 60,

the Board shall reassign the policy to the member and make it over to him together with a signed notice of the re-assignment addressed to the Insurance Company.

(2) If the member dies before quitting service, the Board shall reassign the policy to the beneficiary, if any, or to such person as may be legally entitled to receive it and shall make over the policy to the beneficiary or to such persons together with a signed notice of the re-assignment addressed to the Insurance Company.

67. *Repayment of the amount withdrawn.*—If a policy assigned to the Board matures or otherwise falls due for payment before the member quites service, the Board shall—

(i) if the amount assured together with the amount of any accrued bonus is greater than the whole of the amount withdrawn from the Fund in respect of the policy with interest thereon at the rate provided in paragraph 60, re-assign the policy to the member and make it over to him who shall immediately on receipt of the policy monies from the Insurance Company repay to the Fund the whole of any amount withdrawn with interest.

(ii) if the amount assured together with the amount of any accured bonus is less than the whole of the amount withdrawn with interest, realise the amount assured together with any accured bonus and shall place the amount so realised to the credit of the member in the Fund.

68. *Recovery of the amount withdrawn in certain cases.*—The provisions of sub-paragraph (4) of paragraph 64 applicable to a failure to assign and deliver a policy shall apply—

(i) if the policy lapses or is assigned, otherwise than to the Board charged or encumbered ; or

(ii) if the member does not repay the whole of the amount withdrawn with interest under sub-paragraph (1) of para 67.

69. *Circumstances in which accumulations in the Fund are payable to a member.*—(1) A member may withdraw the full amount standing to his credit in the Fund—

(*a*) on retirement from service in the industry at any time after the attainment of the age of superannuation :

Provided that if at the time of retirement such member, not being a member who has reached the age of 50 or above at the commencement of this Scheme, has not completed five years as a member of the Fund the employer's contribution and interest thereon shall be forfeited to the Fund; or

(*b*) on retirement on account of permanent and total incapacity for work in any industry due to bodily or mental infirmity duly certified by a registered medical practitioner or the medical officer of the factory.

(2) The Board or where so authorised by the Board, the Commissioner may permit a member, who has not attained the age of superannuation, to withdraw the amount standing to his credit in the Fund; if—

(*a*) he is migrating from India for permanent settlement abroad:

Provided that the amount shall be paid to him only immediately before the date of migration; or

(*b*) he has not been employed in any factory to which this Scheme applies for a continuous period of not less than one year immediately preceding the date on which he makes an application for withdrawal:

Provided that a certificate, from such authority as may be specified, of non-employment for a period of one year in any factory to which the Scheme applies is produced.

(3) When a member withdraws any amount under sub-paragraph (2), the following provisions shall apply, namely.—

(i) the full amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of his membership of the Fund is less than 5 years; or

(ii) half the amount of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 5 years or more but less than 10 years; or

(iii) forty per cent, of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 10 years or more but less than 15 years; or

(iv) twenty-five per cent, of the employer's contribution and interest thereon shall be forfeited to the Fund if the period of membership is 15 years or more but less than 20 years.

(4) A member who withdraws the amount under sub-paragraph (2) shall be required to join as a new member of the Fund if he obtains employment again in a factory to which this Scheme is applicable and qualifies again for the membership of the Fund.

(5) Any sum forfeited to the Fund under sub-paragraphs (1) and (2) shall not be returned to the employer but shall be credited to the "Reserve Account" of the Fund.

Explanation I.—In computing the period of membership of the Fund under this paragraph, there shall be included any continuous service, ending with the commencement of this Scheme, during which the person concerned was employed with the same employer irrespective of the fact whether during such period he was or was not a member of any other Provident Fund.

Explanation II.—For the purpose of this paragraph a member shall be deemed to have attained the age of superannuation on completing the age of 55 years.

70. *Accumulations of a deceased member—to whom payable.*—On the death of a member before the amount standing to his credit has become payable, or where the amount has become payable before payment has been made—

(i) if a nomination made by the member in accordance with paragraph 61 subsists, the amount standing to his credit in the Fund or that part thereof to which the nomination relates, shall become payable to his nominee or nominees in accordance with such nomination; or

(ii) if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the members of his family in equal shares :

Provided that no share shall be payable to—

(*a*) sons who have attained majority :

(*b*) sons of a deceased son who have attained majority ;

(*c*) married daughters whose husbands are alive ;

(*d*) married daughters of a deceased son whose husbands are alive ;

if there is any member of the family other than those specified in clauses (*a*), (*b*), (*c*) and (*d*) :

Provided further that the widow or widows, and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the member and had not attained the age of majority at the time of the member's death.

(iii) In any case to which the provisions of clauses (i) and (ii) do not apply the whole amount shall be payable to the person legally entitled to it.

Explanation —For the purpose of this paragraph a member's posthumous child, if born alive, shall be treated in the same way as a surviving child born before the member's death.

71. *Deductions from the account of member dismissed for serious and wilful misconduct.*—(1) Notwithstanding anything contained in paragraph 69, if a member is dismissed by an employer in a factory to which this Scheme applies for serious and wilful misconduct, the employer may send intimation thereof to the Board and the Board or where so authorised by the Board, the Commissioner shall have the power to forfeit the employer's contribution upto a maximum of the employer's contribution in the last two complete periods of currency of the contribution cards and that of the period of currency of the current contribution card.

(2) Before exercising the power of forfeiture conferred ..... by sub-paragraph (1), the member concerned shall be called upon by notice in writing to show cause why the forfeiture shall not be made and shall decide the amount of forfeiture after taking into account any representation made by the member.

(3) A forfeiture made under sub-paragraph (1) may be reviewed by the said Board either of its own motion or at the request of the employer or the member.

(4) Any amount forfeited from the individual account of a member under sub-paragraph (1) shall not be returned to the employer but shall be credited to the Reserve Account of the Fund.

72. *Payment of Provident Fund.*—(1) When the amount standing to the credit of a member, or the balance thereof after any deduction under paragraphs 69 and 71 becomes payable, it shall be the duty of the Commissioner to make prompt payment as provided in this Scheme. He shall close the account of the member and give notice in writing to the person to whom the amount is payable, specifying the amount and tendering payment thereof. In case there is no nominee in accordance with this Scheme, the Commissioner may, if the amount to the credit of the Fund does not exceed Rs. 300 and if satisfied after enquiry about the title of he claimant, pay such amount to the claimant.

(2) If any portion of the amount, which has become payable, is in dispute or doubt, the Commissioner shall make prompt payment of that portion of the amount in regard to which there is no dispute or doubt, the balance being adjusted as soon as may be possible.

(3) If the person to whom any amount is to be paid under this Scheme is a minor or a lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (VIII of 1890), or a manager under the Indian Lunacy Act, 1912 (IV of 1912), as the case may be, has been appointed, the payment shall be made to

such guardian or manager. In case no such guardian or manager has been appointed, the payment shall be made to such person as the Commissioner, where the amount does not exceed Rs. 500 or the Chairman or the Board if the amount exceeds Rs. 500 but does not exceed Rs. 1,000, considers to be the proper person representing the minor or lunatic and the receipt of such person for the amount paid shall be a sufficient discharge thereof. In any other case the amount shall be paid to the person authorised by law to receive the payment on behalf of the minor or the lunatic.

(4) If it is brought to the notice of the Commissioner that a posthumous child is to be born to the deceased member he shall retain the amount which will be due to the child in the event of its being born alive, and distribute the balance. If subsequently no child is born or the child is still born, the amount retained shall be distributed in accordance with the provisions of paragraph 70.

(5) Any person who desires to claim payment under this paragraph shall send a written application to the Commissioner, who may, at the option of the person to whom payment is to be made, make the payment—(i) by postal money order at the cost of the payee, or (ii) by crossed cheque sent through post, or (iii) by deposit in the payee's postal savings bank account, if any.

73. *Annual statement of member's account.*—(1) As soon as possible after the close of each period of currency of contribution card the Commissioner shall send to each member through the employer of the factory in which he was last employed a statement of his account in the Fund showing the opening balance at the beginning of the period, amount contributed during the year, the total amount of interest credited at the end of the period or debited in the period and the closing balance at the end of the period.

(2) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Commissioner within six months of the receipt of the statement.

CHAPTER IX.

MISCELLANEOUS.

74. *Annual Report on the working of the Scheme.*—(1) Every Board shall submit to the Government concerned by the 30th June each year a report on the working of the Employees' Provident Fund Scheme during the previous financial year.

(2) Every State Board shall also forward to the Central Government and the Central Commissioner a copy of the annual report submitted to the State Government concerned.

75. *Issue of copies of Member's Accounts, Annual Reports, etc.*—The Commissioner shall furnish copies of the member's account and of the annual reports of the Fund to any employer or member on written application and on payment of such fees and subject to such conditions as may be specified by the appropriate Board in this behalf.

76. *Punishment for failure to pay contributions, etc.*—If any person—

(*a*) fails to pay any contribution which he is liable to pay under this Scheme, or

(*b*) deducts or attempts to deduct from the wages or other remuneration of a member the whole or any part of the employer's contribution, or

(*c*) fails or refuses to submit any return, statement or other document required by this Scheme or submits a false return, statement or other document, or makes a false declaration, or

(*d*) obstructs any Inspector or other official appointed under the Act or this Scheme in the discharge of his duties or fails to produce any record for inspection by such Inspector or other official, or

(*e*) is guilty of contravention of or non-compliance with any other requirement of this Scheme,

he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both.

77. *Conduct of business of the Board.*—(1) All orders and other instruments shall be made and executed in the name of the Board and shall be authenticated by such person and in such manner as the Board may specify.

(2) All contracts and assurances of property shall be expressed to be made by the Board and shall be executed on behalf of the Board by the Commissioner.

78. *Power to issue directions.*—(1) The Central Government may, from time to time, issue such directions to State Governments, the Central Board or any other authority, under this Act or Scheme as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof including difficulties in the matter of payment of accumulations in the Fund to members after they cease to be such members.

(2) Subject to the general control of the Central Government, the State Government may issue any such directions to the State Board.

(3) The authority to whom any directions are issued under this paragraph shall comply with such directions.

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FORM 1

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(Election under paragraph 27 of the Scheme)

I hereby elect to continue to be a member of the————————————————————Provident Fund of which I am at present a member.

1. Name————————————————————
(in block letters)

2. Occupation————————————————————

3. Sex———————— 4. Religion————————

5. Father's name————————————————————

6. Husband's name (for married women only)————————————————————

7. Permanent Address————————————————————

8. Name of Provident Fund of which he/she is already a member————————

I declare that all the particulars stated above are true to the best of my knowledge and belief.

Dated————————,

The————————195 .

Signature or left hand thumb impression of person employed.

Crtified that the above declaration has been signed by————————employed in*————————before me and that he/she is a member of the————————Provident Fund, a fund † recognised under the Income-tax Act, 1922.

to which the Provident Funds Act, 1925, applies.

Dated,————————,

The————————195 .

Signature of the Manager or other authorised officer of the Factory.

Registered No. of the Factory————————

* Here give the name and address of the Factory in which employed.
† Score out the portion not applicable.

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FORM 2

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

Declaration and Nomination Form

[*Paragraphs* 33 *and* 61(1)]

1. Name (in block Capitals)————Surname————
2. Caste————
3. Sex————
4. Religion————
5. Occupation————Shop/Establishment/Department————
6. Height————
7. Father's name————
8. Husband's name————
   (for married women only).
9. Marital status————
   (whether bachelor, spinster, married, widow of widower).
*10. Date of birth : Day————month————year————
11. Marks of Identification————
12. Permanent Address————
    Village————Thana————Taluk/Sub-Division————
    District————State————

I declare that I have not previously been a member of the Employees' Provident Fund and I hereby nominate the person/s mentioned below to receive the amount standing to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulations in the fund to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Dated———

Signature or left hand thumb impression of the member.

Certified that the above declaration has been signed by————employed in my factory before me after he has read the entries.

the entries have been read over to him by me.

Regd. No. of Factory.

Dated————

Signature of the Manager or other authorised officer.

Designation————

Name and address of the Factory.

* Where exact particulars are not available, approximate age may be indicated in consultation with the Medical Officer of the Factory.

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FORM 3

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraphs* 35 *and* 42)

Contribution Card for monthly paid employees for the period from———— to————

1. Account No. ————
2. Name (in block capitals)————Surname————
3. Caste————
4. Sex————
5. Date of birth as given in Form 2————
6. Occupation————
7. Father's name————
8. Husband's name———— (for married women only)
9. Marital status———— (whether bachelor, spinster, married, widow or widower)
10. Permanent Address———— Village————Thana————Taluk/Sub-Division———— District————State————
11. Signature or left hand thumb impression of member————
12. Signature of person preparing the card————
13. Signature of the Manager of the Factory————
14. Registered Number of the Factory————
15. Name and address of the Factory————

Particulars of employment

Registered number of Factory	Period of employment From	Period of employment To	Remarks	Initial of the employer's authorised clerk

The employer's and member's contributions should be shown separately for each month		Month 1	Month 2	Month 3	Month 4
	Employer's				
	Member's				
	Total				
	Amount refunded				

Month 5	Month 6	Month 7	Month 8	Month 9
Month 10	Month 11	Month 12		

	Rs.	As.	
Total contribution by the employer.			Signature of the employer's Head Clerk or any authorised clerk. Checked and found correct.
Total contribution by the member.			
Grant Total			Authorised official of the office of the Commissioner.
Amount refunded.			

FORM 4 867

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraphs* 35 *and* 42)

Contribution Card for employees other than monthly paid employees for the period from ——— to ———

1. Account No. ———
2. Name (in block capitals) ——— Surname ———
3. Caste ———
4. Sex ———
5. Date of birth as given in Form 2 ———
6. Occupation ———
7. Father's name ———
8. Husband's name ———
   (for married women only)
9. Marital status ———
   (whether bachelor, spinster, married, widow or widower)
10. Permanent Address ———
    Village ——— Thana ——— Taluk/Sub-Divison ———
    District ——— State ———
11. Signature or left hand thumb impression of member ———
12. Signature of person preparing the card ———
13. Signature of the Manager of the Factory ———
14. Registered Number of the Factory ———
15. Name and address of the Factory ———

Particulars of employement

Registered number of Factory	Duration of employment		Remarks	Initials of the employer's authorised clrerk
	From	To		

The employer's and member's contribution shuld be shown separately for each week				Week 1	Week 2	Week 3	Week 4	Week 5
		Employer's						
		Member's						
		Total						
		Amount refunded						

Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14
Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23
Week 24	Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32
Week 33	Week 34	Week 35	Week 36	Week 37	Week 38	Week 39	Week 40	Week 41
Week 42	Week 43	Week 44	Week 45	Week 46	Week 47	Week 48	Week 49	Week 50
Week 51	Week 52							

	Rs.	As.
Total contribution by the employer.		
Total contribution by member.		
Grand Total Amount refunded		

Signature of the employer's Head Clerk or any authorised clerk.

Checked and found correct.

Authorised official of the office of the Commissioner.

FORM 5

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 36 (2) (a)*]

Return of employees qualifying for membership of the Employees' Provident Fund for the first time during the month of———————19 .

(To be sent to the Commissioner in duplicate with Form 2)

Name and address of the factory———————

Registered No. of the factory———————

Serial No.	Name of the employee (in block capitals)	Father's name (or husband's name in case of married woman)	Sex	Basic monthly wages	Monthly dearness and other allowances including cash value of food concessions	Total wages	Account No. (to be filled up by the Commissioner *vide* paragraph 37)	Remarks

Dated———————

Signature of the Manager of the Factory.

FORM 6

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

(*Paragraph 43*)

Return of Contribution Cards sent to the Commissioner on the expiry of the period of currency from the———————195 , to the———————195 .

(To be sent in duplicate)

Name and address of the factory———————

Registered No. of the factory———————

Serial No.	Account No.	Name of the member (in block capitals)	Total Contribution	Amount refunded	Remarks	Space for use in the Commissioner's office
			Rs. As.	Rs. As.		

Total Amount of contributions .

Total Amount refunded .

Total number of cards sent———————

Dated———————

Signature of the Manager of the Factory.

FORM 7

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 52 (3)*]

Classified summary of the assets of the Employees' Povident Fund for the year————

Class of Assets	Book value as per (*a*) below	Market value as on...19... as per (*b*) below	Remarks as per (*c*) below
	Rs.	Rs.	Rs.
1. Government of India Securities ...			
2. Indian State Government Securities.			
3. Indian Municipal Port and Improvement Trust Securities including debentures.			
4. Debentures of Indian Railways ...			
5. Guaranteed and preference shares of Indian Railways.			
6. Annuities of Indian Railways ...			
7. Ordinary shares of Railways in India.			
8. Other debentures of concerns in India.			
9. Other guaranteed and preference shares of concerns in India.			
10. Other ordinary shares of concerns in India.			
11. Cash on deposit in Banks ...			
12. Cash in hand and on current account in Banks.			
13. Other assets (to be specified) ...			

The summary shall show :

(*a*) the value for which credit is taken in the accounts for each of the abovementioned classes of assets.

(*b*) the market value of such of the abovementioned classes of assets as has been ascertained from published quotations.

(*c*) how the value of such of the abovementioned classes of assets as has not been ascertained from published quotations has been arrived at.

Signature of the Commissioner.

FORM 8

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952

[*Paragraph 61 (5)*]

I———————————————————————hereby cancel the nomination made by me on the———————————————as regards the disposal, in the event of my death, of the amount standing to my credit in the Employees' Provident Fund and hereby nominate the person/s mentioned below to receive the amount standing to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :—

Name and address of the nominee or nominees	Nominee's relationship with the member	Age of nominee	Amount or share of accumulations in the Fund to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Date———————

Signature or left hand thumb impression of member.

Certified that the above declaration has been signed before me by———————
———————————employed in———————————

Registered No. of the Factory.

Signature of the Manager of the Factory.

[No. P.F. 501 (5).]

SADASHIVA PRASAD,
Dy. Secy.

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